

Home / News / State and Regional News / State-and-regional

Irrigation district wants state sanctions

- Story
- Discussion

Irrigation district wants state sanctions

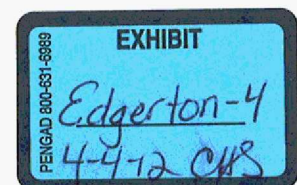
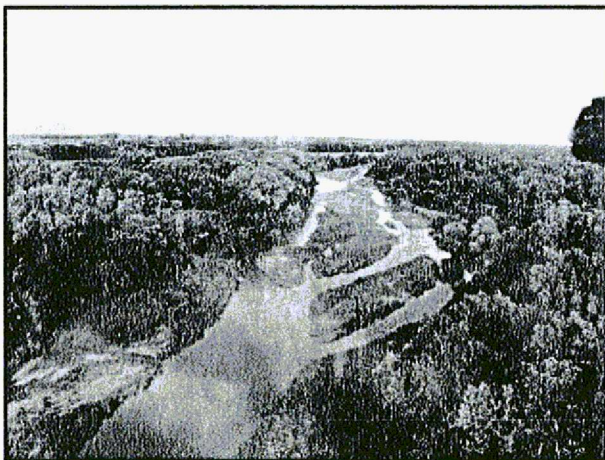
By ART HOVEY / Lincoln Journal Star JournalStar.com | Posted: Wednesday, January 27, 2010
6:40 pm | No Comments Posted

Font Size:

Default font size

Larger font size

- retweet
- Sign Up to see what your friends recommend.



Republican River flows in southwest Nebraska below Harlan County Lake in this 2009 photo. (Courtesy Twin Valley Weed Management)

Related Stories

- Related: Governor wants Republican River strategy in place

In the six years since Nebraska entered a new era of water regulation, local irrigation officials have tried to stay clear of the big hammer wielded by the state.

The Frenchman Cambridge Irrigation District appeared ready to depart from that script Wednesday at a Department of Natural Resources hearing in Lincoln.

Its leaders want an overappropriated designation from DNR Director Brian Dunnigan for much of their 45,600-acre domain and much of the rest of the Republican River Basin.

The hearing was the first step toward action they see as needed to roll back irrigation to a more sustainable level.

"What we're trying to do is get our fair share of water for our water users in the Republican River Basin," Brad Edgerton, general manager for irrigation district, said afterward. "And this is something our board of directors thinks we need to do to protect our water right."

In 2004, the Nebraska Legislature used LB962 to authorize Dunnigan's department to act to keep water supply and demand in balance in river basins.

The Republican Basin is already deemed fully appropriated. Step 1 in the Frenchman-Cambridge strategy is meant to establish whether Dunnigan can impose stricter overappropriated rules on Nebraska acres that are also governed by the three-state Republican River Compact.

Up to this point, Dunnigan has said he can't. But the latest development underscores the tensions between surface-water users, including Frenchman-Cambridge, and the natural resources districts created in the 1970s to regulate groundwater use.

Much of the tension involves the depleting effects groundwater pumping can have on rivers and streams.

And the Frenchman-Cambridge request to a state agency could eventually become another court case in what is already a legal thicket.

"We're kind of like the canary in the cage," Edgerton said. "When we struggle to have any water, it's not too far away that the rest of the basin will be struggling to have enough water."

Dunnigan declined to comment Wednesday on the irrigation district's bid for another round of consideration of the overappropriated option.

During the hearing itself, DNR attorney Jean Angell said Frenchman-Cambridge offered no evidence of why her boss should revisit his earlier conclusion.

"That's really the crux of this matter," Angell said.

But Lincoln attorney LeRoy Sievers, representing the irrigation district, said LB962 is "constitutionally suspect" if Dunnigan can interpret it to mean stretches of the Platte River can be declared overappropriated -- as they have -- and the same can't be done along the Republican.

While he said asking for reconsideration isn't the same as asking for an overappropriated designation, Sievers said his client isn't into answering water policy questions without a larger purpose.

"I don't think anybody would file a petition just for the purpose of seeing what the department might come up with."

Sievers also argued overappropriated status would be better than "the crisis situation" and the "draconian actions" that will be seen in Nebraska in future drought years to make sure Kansas gets its share of Republican water.

"This would make us better able to weather drought circumstances," he said.

But Jasper Fanning, general manager of the Upper Republican NRD at Imperial, called the compact "the overriding instrument that dictates what our water use can be."

Even if the Frenchman-Cambridge leadership is inviting heavier regulation along the Republican, Fanning dismissed its significance.

"I don't know what they're trying to accomplish," he said, "but I don't see that it matters."

Reach Art Hovey at 473-7223 or at ahovey@journalstar.com.

Copyright 2012 JournalStar.com. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Posted in Nebraska on *Wednesday, January 27, 2010 6:40 pm* | Tags: Water, Environment, Republicanriver

Share This Story

Print Email ShareThis

Other Stories

- More than 73% of Nebraska's population live in urban areas
- North Platte woman makes plea deal in sister's death
- North Platte man pleads guilty in stabbing case
- Search for Omaha Public Schools superintendent narrowed to 3 candidates
- Nebraska HHS observes Gambling Awareness Month
- 2 convicted in Omaha shooting seek new trials
- NPPD reaches deal to send nuclear waste to Texas
- Burchard wildlife area to close Wednesday for improvements

Irrigation district wants state sanctions

Page 4 of 4

Sponsored Links

53-Year-Old Mom Looks 27

Follow this 1 weird tip and remove 20 years of wrinkles in 20 days.
yolasite.com

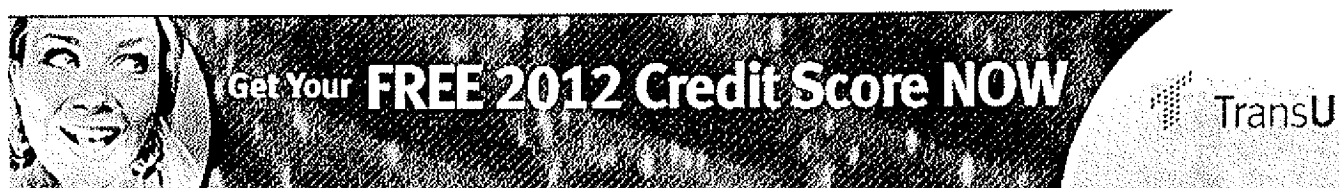
Mortgage Rates Hit 2.50%

If you owe under \$729k you may qualify for 3.01% APR Govt Refi Plans.
www.MortgageRatesExperts.com

Compare Mutual Funds

Compare the Rest, Invest in the Best. Find Top Rated Mutual Funds Today
ssgaFunds.com/CompareFunds

Ads by Yahoo!

A horizontal banner advertisement for TransUnion. On the left is a black and white photo of a smiling woman. The background is dark with a starry pattern. The text "Get Your FREE 2012 Credit Score NOW" is prominently displayed in white. The TransUnion logo is on the right.

Get Your **FREE 2012 Credit Score NOW** TransUnion